

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL FOX, PAUL D'AURIA and JILL
SHWINER,

Plaintiffs,

-against-

STARBUCKS CORPORATION d/b/a
STARBUCKS COFFEE COMPANY,

Defendant.

Case No. 19-CV-4650 (AJN)

**REPLY DECLARATION OF
MARGARET KIS IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

MARGARET KIS, does hereby swear, affirm and attest under the penalties of perjury as follows:

1. I am the Manager of Facilities Services at Starbucks Corp. ("Starbucks"), Defendant in the above-captioned case. I submit this reply declaration in support of Defendant's Motion for Summary Judgment seeking to dismiss the Complaint of Plaintiffs Rafael Fox ("Fox"), Paul D'Auria ("D'Auria") and Jill Shwiner ("Shwiner") (collectively, "Plaintiffs"). The facts and circumstances set forth herein are based on my personal knowledge or on the books and records of Starbucks.

AVP Agrees to Keep Track of Pest Strips Found

2. Starbucks requested its pest control vendor AVP Termite & Pest Control of New York, Inc. ("AVP") keep track of the Starbucks stores in which pest strips were found. Starbucks also requested that AVP report this information to Starbucks on a regular (monthly or weekly) basis. Ms. Shwiner of AVP confirmed they would

provide Starbucks a spreadsheet reporting the instances in which AVP employees found pest strips in Starbucks Manhattan locations. A copy of a September 16, 2016 e-mail chain confirming this is attached as Exhibit 1.

Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed on March 29, 2021


Margaret Kis